

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

NUCLEAR DEVELOPMENT, LLC,)	
)	
Plaintiff,)	Case No.: 2:20-mc-00011
)	
v.)	(U.S. District Court for the Northern
)	District of Alabama, Case No. 5:18-
TENNESSEE VALLEY AUTHORITY,)	CV-01983-LCB)
)	
Defendant.)	

**PLAINTIFF NUCLEAR DEVELOPMENT LLC’S MOTION TO QUASH
FOREIGN NON-PARTY SUBPOENAS SERVED BY
DEFENDANT TENNESSEE VALLEY AUTHORITY**

Plaintiff Nuclear Development, LLC hereby objects to the non-party subpoenas served by defendant Tennessee Valley Authority (“TVA”) on non-parties Bruce Turner, PLLC, Susan Adler Thorp Corp., and Sutton Reid Advertising, and, pursuant to Rules 45(c)(3)(A) and 45(c)(3)(B) of the *Federal Rules of Civil Procedure*, requests that the Court quash the subpoenas. The non-party subpoenas, copies of which are attached hereto as Exhibits A through C, purport to command that the subpoena targets produce documents at the office of TVA counsel in Memphis, Tennessee. Accordingly, pursuant to Rule 45(d)(3)(A), Nuclear Development is filing this motion to quash in the district where compliance is required. In the alternative, Nuclear Development requests, pursuant to Rule 26(c)(1) of the *Federal Rules of Civil Procedure*, that the Court enter a protective order disallowing the discovery sought by the subpoenas. In support of its Motion, Nuclear Development incorporates herein its Memorandum of Law in Support, filed contemporaneously herewith. Finally, pursuant to LR 7.2(d), Nuclear Development respectfully requests a hearing on this Motion.

Respectfully submitted,

/s/Sarah E. Stuart

ERIC J. PLUMLEY (BPR No. 22236)

SARAH E. STUART (BPR No. 35329)

BURCH, PORTER & JOHNSON, PLLC

130 North Court Ave.

Memphis, TN 38103

(901) 524-5000

Fax: (901) 524-5024

eplumley@bpjlaw.com

ssuart@bpjlaw.com

J. CRAIG CAMPBELL (*pro hac vice forthcoming*)

HAND ARENDALL HARRISON SALE LLC

P. O. Box 123

Mobile, AL 36601

(251) 432-5511

Fax: (251) 694-6375

ccampbell@handfirm.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served on the following counsel of record via U.S. Mail, postage pre-paid, and via email, on the 9th day of March, 2020:

Matthew H. Lembke, Esq.

Matthey J. Bowness, Esq.

Riley A. McDaniel, Esq.

BRADLEY ARANT BOULT CUMMINGS LLP

1819 Fifth Avenue North

Birmingham, Alabama 35203

mlembke@bradley.com

mbowness@bradley.com

rmcdaniel@bradley.com

David D. Ayliffe, Esq.

Steven C. Chin, Esq.

Jill E. McCook, Esq.

OFFICE OF THE GENERAL COUNSEL

Tennessee Valley Authority

400 West Summit Hill Drive, WT6

Knoxville, Tennessee 37902

ddayliffe@tva.gov

scchin@tva.gov

jemccook@tva.gov

/s/ Sarah E. Stuart

CERTIFICATE OF CONSULTATION

Undersigned counsel certifies that counsel for Plaintiff consulted with counsel for Defendant Tennessee Valley Authority regarding the substance of this Motion on February 14, 2020 and again on February 18, 2020, who indicated they oppose the relief requested herein.

/s/ Sarah E. Stuart